



**STATE OF TENNESSEE  
DEPARTMENT OF HUMAN SERVICES**

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**PHIL BREDESEN**  
GOVERNOR

**VIRGINIA T. LODGE**  
COMMISSIONER

August 5, 2009

Dear Child Care Provider:

Please review the attached bulletin to licensing staff regarding Driver Qualifications and out-of-state driver's license.

Driver Qualifications

Child Care rules require that all drivers possess a valid Tennessee driver's license:

Rule 1240-4-3-.13(5)(c) states: *Drivers license. At a minimum, the person driving a vehicle used to transport children in a child care agency shall possess a current, valid Tennessee driver license with an "F" ("For Hire") endorsement or an equivalent endorsement recognized by the Department of Safety as meeting the minimum qualifications for transportation of children enrolled in child care agency in the applicable type of vehicle in which the children are being transported.*

Child Care rules also require that all drivers be tested and obtain a certification document that they have passed an additional test administered by the Department of Safety (DOS):

Rule 1240-4-3-.13(5)(d)2 states: *All persons subject to this paragraph (5) shall obtain a certification document from the Department of Safety to signify that they have passed additional written or skills tests required for persons who may, in the course of their duties, drive a vehicle that transports children enrolled in a child care agency.*

Because DOS cannot test individuals who do not possess a Tennessee driver's license, Rule 1240-4-3-.13(5)(d)2 is not enforceable. Additionally, DHS must have the same requirements for drivers who live in Tennessee as we have for drivers who reside in another state.

**Therefore, drivers are not required to have a Tennessee driver's license, but instead shall have a valid driver's license from the state in which they reside with an F endorsement or equivalent endorsement, or a CDL from the state in which they reside, depending upon the type of vehicle they drive. Additionally, drivers are not required to take the Child Care Driver Certification test provided by the Department of Safety**

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For example, to drive a 7 passenger mini van for child care purposes the driver must have a regular state driver's license (from the state in which they reside) with an F endorsement or equivalent. In order to drive a small school bus designed to carry 16 or more passengers including the driver, the driver must have a CDL (from the state in which they reside).

If you require additional information, please contact your Licensing Program Evaluator.

cc: Ed Lake, Deputy Commissioner  
Glenda Shearon, Assistant Commissioner for Adult and Family Services  
Barbara Wall, Program Director, Child Care Services  
Kim Beals, Assistant General Counsel  
Child and Adult Care Licensing Staff

Attachment: CCL 09-003